

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSEPH A. BENNETT,

Plaintiff,

V.

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

Case No. C11-5224-RAJ-BAT

REPORT AND RECOMMENDATION

Joseph A. Bennett brought an action seeking review of the denial of his applications for disability insurance and Supplemental Security Income benefits by the Commissioner of the Social Security Administration. Dkt. 3. The parties stipulate the case should be remanded, pursuant to sentence four of 42 U.S.C. § 405(g), for further administrative proceedings. Dkt. 22.

Specifically, the parties stipulate that on remand, the Administrative Law Judge (“ALJ”) shall:

1. Conduct a new hearing, further develop the record and issue a new decision;
2. Re-evaluate and further develop the medical evidence or record;
3. Re-evaluate step two and step three of the sequential evaluation process;
4. Re-evaluate plaintiff's credibility;
5. Re-evaluate plaintiff's residual functional capacity ("RFC"); and

6. Re-evaluate steps four and five of the sequential evaluation process with the assistance of a vocational expert, if necessary.

The parties agree that reasonable attorney fees should be awarded, upon proper application, pursuant to the Equal Access to Justice Act, 28, U.S.C. § 2412.

Having reviewed the pleadings and the administrative record, the Court recommends the case be **REVERSED** and **REMANDED** for further administrative proceedings as set forth above. As the parties stipulate to remand, the Court recommends if this recommendation is adopted, that it be approved immediately. A proposed order accompanies this Report and Recommendation.

DATED this 17th day of November, 2011.


BRIAN A. TSUCHIDA
United States Magistrate Judge